IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1950 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VIMLABEN DILIPBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MS PAURMI SHETH FOR MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 16/03/2001

ORAL JUDGEMENT

Rule. Ms. Paurmi Sheth for Mr. Akshay H. Mehta Sr. Central Government Standing Counsel appears and she waives service of Rule on behalf of the respondent.

2. By means of this petition, the petitioner has

sought for a direction to the respondent to correct the date of birth of the petitioner in the passport as 13-9-1949 instead of 1-6-1949.

3. It is submitted by the learned counsel for the petitioner that while admitting the petitioner in the school either petitioner's relative or the school authority mentioned her date of birth as 1-6-1949 instead of 13-9-1949 and therefore on the basis of the record of the school authority even while issuing school leaving certificate the date of birth of the petitioner has been mentioned as 1-6-1949 instead of her real birth date as 13-9-1949.

4. The petitioner has applied to the respondent authority along with the school leaving certificate for passport and accordingly the respondent authority has issued passport No.U-071060 stating her date of birth of as 1-6-1969 instead of 13-9-1949. The petitioner also produced birth certificate issued by the competent authority before the respondent authority requesting to correct her date of birth in the passport as 13-9-1949 on the basis of the birth certificate issued by the competent authority. But the respondent authority refused to entertain his request and hence the present petition.

5. In the facts and circumstances of this case, this petition deserves to be allowed. Accordingly, this petition is allowed and the respondent authority is directed to consider and decide the petitioner's request and correct the date of birth of the petitioner as 13-9-1949 in the passport on the basis of the birth certificate issued by the competent authority and issue passport containing correct date of birth as 13-9-1949 or to issue a new passport with correct birth as 13-9-1949, within a month from the date of receipt of writ of this petition or certified copy of this order, whichever is earlier. The respondent authority would be at liberty to pass appropriate order with regard to the cost of the application. Rule is made absolute, with no order as to costs.

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/JVSatwara/